

LAURA E. DUFFY
 United States Attorney
 LAWRENCE A. CASPER
 Assistant U.S. Attorneys
 California State Bar No. 235110
 Federal Office Building
 880 Front Street, Room 6293
 San Diego, California 92101-8893
 Telephone: (619) 557-7455
 Fax: (619) 557-7055
 Email: Lawrence.Casper@usdoj.gov

Attorneys for Plaintiff
 United States of America

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Criminal Case No. 09CR1207-H
)	
Plaintiff,	)	DATE: August 27, 2010
	)	TIME: 9:00 a.m.
v.)	
)	
TODD JOHNSON,	)	UNITED STATES' MOTION FOR
	)	RESTITUTION ORDER;
Defendant.	)	TOGETHER WITH MEMORANDUM
	)	OF POINTS AND AUTHORITIES

COMES NOW the plaintiff, the UNITED STATES OF AMERICA, by and through its counsel, LAURA E. DUFFY, United States Attorney, and Lawrence A. Casper, Assistant United States Attorney, and hereby files its Motion for Restitution Order ("Motion"). This Motion is based upon the files and records of the case together with the attached memorandum of points and authorities.

I

MEMORANDUM OF POINTS AND AUTHORITIES

Title 18, United States Code, Section 3663A provides that restitution is mandatory for "any offense committed by fraud or deceit." Specifically, the Court shall order that the Defendant make restitution to the victims of the offense. Id. Since the Defendant in this case entered a guilty plea to one count of 18 U.S.C. § 1014, false statement on a loan application, a crime involving fraud, the Court must order that he pay restitution to the victims of the offense.

1 To assist the Court, the United States has prepared a list of the victims of the offense who
 2 have not yet been fully reimbursed for the fraud committed against them and the amount of
 3 restitution the United States believes that they are entitled to be paid. There have been multiple
 4 civil suits brought by victims of the fraud perpetrated by Norton and others. Many, if not most, of
 5 those matters have resulted in financial settlements. After consulting with counsel for many of the
 6 civil plaintiffs, the United States believes that, as a result of those financial settlements, the
 7 restitution to be paid that relates to the fraud in this case – that is, pertaining to the Crown Point
 8 Condominium Complex – has been significantly reduced. After taking those financial settlements
 9 into account, the total amount of remaining restitution that the United States believes to be related
 10 to the Crown Point fraud is \$1,501,210. Defendant Todd Johnson was involved with and
 11 admittedly participated in the fraudulent conduct involving Crown Point; accordingly, the United
 12 States believes – based on the information available – that he is fairly and justly held accountable
 13 for paying restitution to the listed victims.^{1/} The United States has included, as Appendix A, a
 14 schedule identifying the victims that the United States believes have not yet been made whole and
 15 the amount of the restitution that the United States recommends should be paid to them.^{2/}

16 Further and very briefly, the United States summarizes the information in its possession
 17 regarding each of the listed individuals below:

22 ^{1/} The United States notes that, given the pre-indictment dispositions connected to this matter,
 23 the investment monies paid by Norton's victims was not, in each instance, fully traced.
 24 Nevertheless, during the relevant period, the principal fraudulent conduct engaged in by Norton
 25 and his associates, Messrs. Johnson and Greer, was the Crown Point Condominium Complex and
 26 that is where, the United States believes, most, if not all, of the monies obtained from the victims
 were to be expended. Obviously, a significant portion may have also gone into the pockets of
 Messrs. Norton, Johnson and Greer.

27 ^{2/} The United States notes that it has received Victim Impact Statements from individuals not
 28 listed on Appendix A but believes that each of those individuals has been made whole by virtue
 of the above-described civil settlement(s).

1 1. Kenny and Susan Carr - \$40,427

2 The Carrs invested \$40,427 with Norton and his associates. Norton and his associates put
3 one or more condominium units in the Crown Point complex in the Carrs' names. The Carrs did
4 not pursue their civil claims to trial.

5 2. Oliver Coker - \$318,542 & Carol Coker - \$55,000

6 Coker and his spouse at the time, Carol Coker, invested money with Norton through
7 purported interest bearing notes in approximately 2003 or 2004. During the recent civil trial, the
8 sum of \$318,542 was agreed by both sides' experts to be Mr. Coker's actual loss of principal. The
9 settlements involving that matter did not, however, include any compensation paid to the Cokers.

10 3. Doug and Jennifer Ford- \$92,828

11 In approximately June 2002, the Fords had a Crown Point Condominium placed in their
12 name by Norton and his associates. When Norton's scheme collapsed and their unit went into
13 foreclosure, the Fords paid this money in an effort to keep the unit from being foreclosed upon.

14 4. S. Tod and Lucille Johnson - \$167,016

15 The Johnsons – who are Todd Johnson's parents – made a series of investments with
16 Norton. In 2001, S. Tod Johnson purchased a Crown Point Condominium in 2001. After 2001, the
17 Johnsons also discovered that three additional condominiums at Crown Point were put into his
18 name. The above figure is the sum that the civil jury awarded the Johnsons for economic damages
19 against Mr. Norton. The civil jury did not find in the Johnsons' favor against Chicago Title.

20 5. Betty Cadrez - \$50,000 & Glen Cadrez - \$50,000

21 Together the Cokers invested \$100,000 with Norton; they were later divorced. They
22 invested their funds at or about the time that Norton was acquiring the Crown Point Condominium
23 Complex.

24 6. Yancy & Maria Thigpen - \$527,397

25 The Thigpens did not pursue civil claims. They did, however, provide the above-sum to
26 Norton in or about April of 2000 and were told that the return on their investment would be a
27 minimum of 10% annually.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Criminal Case No. 09CR1207-H
)	
	)	Date: August 27, 2010
Plaintiff,	)	Time: 9:00 a.m.
	)	Place: Courtroom 13
v.)	
	)	Honorable Marilyn L. Huff
)	
TODD JOHNSON,	)	CERTIFICATE OF SERVICE
)	
Defendant.)	
)	
)	

IT IS HEREBY CERTIFIED THAT:

I, Lawrence A. Casper, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

I am not a party to the above-entitled action. I have caused service of **The United States' Motion For Restitution Order and Memorandum of Points and Authorities** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them:

1. Gerald McFadden, Esq.
Attorney for Defendant Todd Johnson

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 12, 2010.

/s/ Lawrence A. Casper
LAWRENCE A. CASPER
Assistant United States Attorney